

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Confirmation No.: 3475

Jerome D. JOHNSON et al.

Group Art Unit: 3686

Application No.: 09/739,448

Examiner: PASS, Natalie

Filed: December 18, 2000

Attorney Docket. No.: P65332

For: SYSTEM AND METHOD FOR PROVIDING CONFIGURATION AND SALES  
INFORMATION TO ASSIST IN THE DEVELOPMENT OF INSURANCE PLANS

**APPEAL BRIEF UNDER 35 U.S.C. §§ 134 AND 37 C.F.R. 41.37(c)****Mail Stop Appeal Brief-Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

This is an Appeal Brief in support of the Notice of Appeal from the Examiner's final rejection of claims 1-6, 8-11, 20-39, and 41-55 in the final Office Action dated February 5, 2010.

An Appeal Brief fee of \$540.00 under 37 CFR § 41.20(b)(2) is being submitted concurrently under EFS. A Notice of Appeal was filed on June 21, 2010, and the present Appeal Brief is being filed within 2 months of the Notice of Appeal. Accordingly, this Appeal Brief is timely filed under 37 CFR § 41.37(a)(1). The Patent and Trademark Office is hereby authorized to charge any fees in connection with this Brief or any fees necessary to preserve the pendency of this application or credit any overpayment to deposit account No. 50-2929, making reference to Docket No. P65332.A13.

**1. REQUEST FOR EXPEDITED DECISION**

None.

**2. APPEAL BRIEF UNDER 37 CFR §41.37(c)(1)**

The following is a Table of Contents for this Brief, with Roman numeral indicators in compliance with 37 CFR §41.37(c)(1).

**Table of Contents**

(i) Real Party in Interest.....	3
(ii) Related Appeals and Interferences.....	3
(iii) Status of Claims.....	3
(iv) Status of Amendments.....	4
(v) Summary of Claimed Subject Matter.....	5
(vi) Grounds of Rejection to be Reviewed on Appeal.....	16
(vii) Arguments for Patentability.....	17
(viii) Claims Appendix .....	26
(ix) Evidence Appendix.....	38
(x) Related Proceedings Appendix.....	39

**(i) Real Party of Interest**

The real party in interest in this appeal is Presentation Specialist Technologies, LLC, as evidenced by the Assignment recorded at Reel/Frame: 020866/0133 on April 28, 2008.

**(ii) Related Appeals and Interferences**

There are no other Appeals or Interferences known to Appellant which may be related to, directly affect or be directly affected by, or having a bearing on the Board's decision in the present Appeal.

**(iii) Status of Claims**

Claims 1-6, 8-11, 20-39, and 41-55 are pending, and stand finally rejected in the final Office Action dated February 5, 2010. Claims 7, 12-19, and 40 have been previously cancelled. An amendment to claim 55 was made in the Amendment after Final Rejection submitted April 19, 2010, and was entered by the Advisory Action mailed May10, 2010.

Appellant submits the following claim chart for the convenience of the Board in identifying independent claims and the claims dependent thereon.

Independent claims	Dependent claims
Claim 1	2-6, 8-10, 20-29, 53, and 54
Claim 11	none
Claim 30	31-39, and 41-49
Claim 50	none
Claim 51	none
Claim 52	none
Claim 55	none

**(iv) Status of Amendments**

A clarifying amendment to claim 55 was made in the Amendment after Final Rejection submitted April 19, 2010, and was entered by the Advisory Action mailed May10, 2010.

Thus, all amendments have been entered.

For the sake of convenience, Appellant lists the relevant prosecution documents which are referenced in this Appeal Brief (in reverse chronological order):

- 06-21-2010 Notice of Appeal Filed;
- 05-10-2010 Advisory Action mailed (entering the amendment to claim 55, and maintaining the rejection of all pending claims);
- 04-19-2010 Amendment after Final Rejection submitted (amending claim 55);
- 02-05-2010 Final Rejection mailed (rejecting all pending claims);
- 10-21-2009 Supplemental Response submitted;
- 10-21-2009 Examiner Interview Summary mailed;
- 08-13-2009 Response after Non-Final Action submitted; and
- 05-13-2009 Non-final Office Action mailed.

**(v) Summary of Claimed Subject Matter**

A concise explanation of the subject matter defined in each of the independent claims (1, 11, 30, 50, 51, 52, and 55) involved in the appeal is provided below, with reference to the specification by page and line number, and to the drawing, if any, by the reference characters. For example, page 5, line 7 will be indicated as 5:7.

CLAIM 1. The invention as defined in independent claim 1, with reference to the figures and the specification as provided below, is a method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:

storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data; (*element 203 of FIG. 2, and 7:7 to 8:7*)

determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system; (*element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently

configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and *(elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7)* generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan, at least a portion of the customer data, and estimated costs for the preferred insurance plan, *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)* wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

CLAIM 11. The invention as defined in independent claim 11, with reference to the figures and the specification as provided below, is a computer program product readable by a computer system having computer-executable instructions that when executed cause a processor of the computer system to perform a method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:

storing customer data within a database in the computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data; *(element 203 of FIG. 2, 7:7 to 8:7, and 15:4-30)* determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored

customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system; (*element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and (*elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan, (*elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21*)

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. (*elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21*)

CLAIM 30. The invention as defined in independent claim 30, with reference to the figures and the specification as provided below, is a computer system for generating a customized proposal in the development of insurance plans for a customer, the system comprising:

an input device configured to prompt a user of the computer system to input customer data by using one or more modules; (*element 102 of FIG. 1, 5:6 to 5:23; element 201 of FIG. 2, 5:24 to 8-7; and element 346 of FIG. 3, 8:8 to 10:12*)

a system memory having stored within a database input customer data and insurance plan products information including plan requirements data and plan options; (*element 304 of FIG. 2, 5:24 to 8:7*)

a display device; and (*element 101 of FIG. 1, 5:6 to 5:23*)

a processor unit, operatively coupled to the input device, system memory, and display device, that is configured to: (i) determine if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from the input device, (ii) present a description of insurance plan options, the options comprising an option currently available to the customer on the display device based upon the customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan, and (iii) generate a customized proposal based upon a selection made from the



presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan, *(element 203 of FIG. 2, 7:7 to 8:7; element 304 of FIG. 3, 8:8 to 10:12; elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7; and elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

CLAIM 50. The invention as defined in independent claim 50, with reference to the figures and the specification as provided below, is a method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:

storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data; *(element 203 of FIG. 2, 7:7 to 8:7, and 15:4-30)*

comparing in the computer system the customer data with the plan requirements data from the stored insurance plan products by using the one or more modules; *(element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7)*

determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the

user selected plan options being obtained from an input device of the computer system; (*element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and (*elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

generating a customized proposal in the computer system that is different from the stored insurance products by the comparing the customer data and the determining of the particular insurance plan, based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan, (*elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21*)

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. (*elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21*)

CLAIM 51. The invention as defined in independent claim 51, with reference to the figures and the specification as provided below, is a computer program product readable by a computer system having computer-executable instructions that when executed cause a processor of the computer system to generate a customized proposal in the development of insurance plans for a customer by:

storing customer data within a database in the computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data; (*element 203 of FIG. 2, 7:7 to 8:7, and 15:4-30*)

comparing the customer data with the plan requirements data from the stored insurance plan products by using the one or more modules; (*element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system; (*element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7*)

presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for

the customer to qualify for the proposed but currently not configured insurance plan; and *(elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7)* generating a customized proposal in the computer system that is different from the stored insurance products by comparing customer data and the determining of the particular insurance plan, based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan, *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)* wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

CLAIM 52. The invention as defined in independent claim 52, with reference to the figures and the specification as provided below, is a computer system for generating a customized proposal in the development of insurance plans for a customer, the system comprising:

an input device configured to prompt a user of the computer system to input customer data by using one or more modules; *(element 102 of FIG. 1, 5:6 to 5:23; element 201 of FIG. 2, 5:24 to 8:7; and element 346 of FIG. 3, 8:8 to 10:12)* a system memory having stored within a database input customer data and insurance plan products information including plan requirements data and plan options; *(element 304 of FIG. 2, 5:24 to 8:7)*

a display device; and (*element 101 of FIG. 1, 5:6 to 5:23*)

a processor unit, operatively coupled to the input device, system memory, and display device, that is configured to: (i) compare the customer data with the plan requirements data from the stored insurance plan products by using the one or more module by using the one or more modules, (ii) determine if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from the input device, (iii) present a description of insurance plan options, the options comprising an option currently available to the customer on the display device based upon the customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan, and (iv) generate a customized proposal that is different from the stored insurance products by the comparing customer data and the determining of the particular insurance plan by using the one or more modules, based upon a selection made from the presented insurance plan options, the proposal including a description of an insurance plan, at least a portion of the customer data, and estimated costs for the insurance plan, (*element 203 of FIG. 2, 7:7 to 8:7; element 304 of FIG. 3, 8:8 to 10:12; elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7; and elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21*)

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal. *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

CLAIM 55. The invention as defined in independent claim 1, with reference to the figures and the specification as provided below, is a method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:

storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data; *(element 203 of FIG. 2, 7:7 to 8:7, and 15:4-30)*

determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system; *(element 101 of FIG. 1, elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7)*

presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for

the customer to qualify for the proposed but currently not configured insurance plan; and *(elements 704, 710, and 713 of FIG. 7, 12:9 to 13:23, and 18:3-7)*

generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan, at least a portion of the customer data, and estimated costs for the preferred insurance plan, *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal, and *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

wherein the insurance plans comprise at least one of health insurance plans, life insurance plans, disability insurance plans, auto insurance plans, or employee insurance benefit plans. *(elements 811, 811, 812, and 813 of FIG. 8, 13:24 to 14:21)*

**(vi) Grounds of Rejection to be Reviewed on Appeal**

The grounds of rejection to be reviewed on Appeal are as follows:

(a) Rejection under 35 U.S.C. § 103(a) of claims 1-6, 8-11, 20-39 and 41-55 (all pending claims) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359, hereinafter as “Lockwood”) in view of Warady (U.S. Patent No. 6,067,522, hereinafter as “Warady”) and further in view of Tyler (U.S. Patent No. 5,523,942, hereinafter as “Tyler”).



**(vii) Arguments for Patentability**

A. All claims rejected under 35 USC § 103(a) over Lockwood in view of Warady and further in view of Tyler

Claims 1-6, 8-11, 20-39 and 41-55 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Lockwood in view of Warady and further in view of Tyler. Appellant respectfully traverses these rejections as discussed below.

Appellant will show in the below arguments that the combination of Lockwood and Warady and Tyler does not teach or suggest the elements of the claims on appeal (all pending claims, 1-6, 8-11, 20-39 and 41-55). Claims 1, 11, 30, 50-52, and 55 are the independent claims.

B. Independent claims 1, 11, 30, 50-52, and 55 are patentable over the combination of Lockwood and Warady and Tyler

1. TWO DISTINCT INDICATIONS ARE REQUIRED

**Independent claims 1, 11, 30, 50-52, and 55** each recite, in part:

the description of insurance plan options including **an indication that the particular insurance plan being proposed is not currently configured** for the customer, and **an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan.** (Emphasis added)

The final Office Action, at pages 3, 13, and 14, asserted that the “prerequisites” element of Warady discloses the above recited feature of the independent claims. However, Warady, at column 4, line 51 to column 5, line 5, and at column 5, line 65 to column 6, line 11, merely states:

. . . This information can include, for example, the benefit types and coverage options available to the employees for enrollment selection, identification of which benefits are employee selectable and which are attached to other employee selections (e.g., which medical plans include a separate prescription card and which do not), identification of plan features

that generate cost or premium billings based on other employee selections but are not benefits disclosed to or payable to employees (e.g., stop loss insurance which protects the employer against excessive claims under self-insured plans), and identification of the financial characteristics of each benefit type and coverage option (e.g., premiums and/or expenses payable to the respective plan provider, prices charged to the employee electing benefits, whether such prices are a pre-tax or an after-tax payroll deduction, and any credits available to an employee who opts out of a particular benefit or selects a reduced level of benefits). It should be appreciated that additional or different information can be included in the benefit files as needed to accommodate different types of benefit plans or employer policies.

...  
The prerequisites table 110 stores information describing which benefit plans, if any, described in the benefit tables 100 have **prerequisites that must be met before an employee can be enrolled in the plans**. For example, certain life insurance plans require evidence of insurability of an employee to be approved by the plan provider before the employee is eligible to receive the chosen benefit or level of coverage. In this example, the **prerequisites** table 110 could store information describing the conditions under which evidence of insurability is required by the plan provider (e.g., when the employee desires to receive an initial life insurance face amount over \$250,000 or to increase his or her life insurance election after initial enrollment, such as from 2 to 3 times salary). [Emphasis added]

Specifically, the final Office Action, at page 3 asserted that the above “prerequisites” portion of Warady discloses the above recited “conditions” feature of the independent claims. Appellant respectfully asserts that the independent claim language is being misinterpreted and oversimplified by the final Office Action.

The independent claim language recites and requires two indications which are included with the description of insurance plan options:

a first indication (“**an indication that the particular insurance plan being proposed is not currently configured** for the customer”), and  
a second indication (“**and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan**”).

In contrast to the independent claim language, Warady, at column 5, lines 65-67, merely states, “[t]he prerequisites table 110 stores information describing which benefit plans . . . have **prerequisites** that must be met before an employee can be enrolled in the plans.”

Even if, *arguendo*, the Warady “prerequisites” correspond to the “conditions” of the independent claims, Warady does not teach or suggest that the description of insurance plan options must include the following two indications (which are required by each of the independent claims): a first indication (“**an indication that the particular insurance plan being proposed is not currently configured for the customer**”), and a second indication (“**an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan**”).

In other words, Warady does not include the two indications (described above) in the description of insurance plans which are being proposed but are not currently configured. In fact, Warady does not disclose either of the two indications required by the independent claims. Further, the other applied art (Lockwood and Tyler) does not remedy the deficiencies of Warady.

Specifically, Warady merely allows for potential insurees to see what prerequisites are required for the plans being offered, but Warady does not indicate that there are entirely different plans which may be available only if configured and if certain conditions are met. Therefore, Warady only provides a very limited set of plans, whereas the claimed invention will provide a much broader set of plans, including plans which are not currently configured for the customer, as well as an indication of which conditions are not yet met by the customer.

Thus, Appellant respectfully submits that all independent claims (1, 11, 30, 50-52, and 55) are patentable over the applied art. Additionally, dependent claims 2-6, 8-29, 30-39, 41-49,

53, and 54 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits.

2. NO PRIMA FACIE REJECTION OF “DETERMINING” FEATURE

Independent claim 1 recites, in part, “**determining** if a particular insurance plan **may be proposed but is not currently configured for** the customer based on . . .” Independent claims 11, 30, 50-52, and 55 each recite a feature identical to or similar to that of claim 1 above.

The final Office Action, at page 14, asserted:

As per Applicant's assertion in paragraph 1 on page 19 of the 13 August 2009 response that the Warady reference teaches away from "determining if a particular insurance plan may be offered [sic] despite the fact that one or more requirements are not currently met," **Examiner respectfully notes that this is not a claimed limitation.** (Emphasis added)

As a preliminary matter, Appellant respectfully submits that that the above recited feature of claim 1 (“determining . . .”) is clearly and indisputably a claimed limitation. Specifically, the verb “determining” indicates a required step of method claim 1. Method claim 1 requires the following steps: “storing,” “**determining**,” “presenting,” and “generating.” The final Office Action appears to be intentionally disregarding an explicit and mandatory feature of claim 1.

In fact, the final Office Action does not provide a *prima facie* case of obviousness, because there is not even any assertion that the above feature is disclosed by the applied art.

Thus, Appellant respectfully submits that all independent claims (1, 11, 30, 50-52, and 55) are patentable over the applied art. Additionally, dependent claims 2-6, 8-29, 30-39, 41-49, 53, and 54 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits.

C. Independent claims 50-52 are not obvious over the combination of Lockwood and Warady and Tyler

Claims 50-52 recite, in part:

**generating a customized proposal in the computer system that is different from the stored insurance products** by the comparing the customer data and the determining of the particular insurance plan, based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan. . . (Emphasis added)

1. LOCKWOOD DOES NOT TEACH "GENERATING"

The final Office Action, at page 12, asserted that Lockwood teaches this limitation and cited column 2, lines 47-59 of Lockwood. However, Lockwood, at column 2, lines 35-59, merely states:

The central data processing center **stores information on the services and prices offered by each institution** and on customer sales completed by each sales and information terminal. The central data processing center is programmed to transmit periodically to each institutions' data processing terminal, either directly or indirectly, for example through an automated telecommunication network service such as TELENET ®; up-dated information on sales made by the system for that institution. The center is also programmed to receive information on any changes in prices or services offered by each institution in the same way, and up-date the information stored accordingly.

Each sales and information terminal is programmed to gather a predetermined sequence of information from a customer on the services in which the customer is interested, and to transmit the information to the central data processing center. In response to the gathered information, the central data processing center **extracts the desired information from its storage** and transmits it back to the terminal where it is relayed to the customer.

Subsequently, the terminal is programmed to accept an order for the **offered services** from the customer, to collect payment and to dispense the services to the customer. (Emphasis added)

In Lockwood, the offered services in line 57 refer to the stored services offered by each institution in line 36 and the desired information extracted from the storage in line 54. As such, the **offered services** (personalized insurance quotations) in Lockwood **are the same as the stored information** (on the services offered by the institution) in Lockwood.

In other words, Lockwood merely provides a canned quote based upon selections by the customer. In contrast, the claimed invention is a customized proposal which takes into account data known by the system about the customer. Therefore, the output of Lockwood is similar to an informational flyer available to the general public, whereas the claimed invention generates a customized sales proposal for a sale to a particular customer based in part on information about that customer known to the system.

In contrast to Lockwood, claims 50-52 require **“generating a customized proposal in the computer system that is different from the stored insurance products.”**

Appellant respectfully submits that that Lockwood does not teach or suggest “generating a customized proposal in the computer system that is different from the stored insurance products by the comparing the customer data,” as required by independent claims 50-52.

Thus, Appellant respectfully submits that independent claims 50-52 are patentable over the applied art.

## 2. WARADY DOES NOT TEACH “GENERATING”

Additionally, the final Office Action, at page 12, asserted that Warady, at column 8, lines 26-30, discloses the above recited feature of claims 50-52. However, Warady, at column 8, lines 26-30, merely states:

The data entry and user interface module 50 enables a user of the health and

welfare benefit enrollment and billing system 1 to enter, review, extract, and modify the data stored in the various files of the health and welfare benefit enrollment and billing system 1.

The final Office Action asserted that extracting and modifying the data stored in the various files of the health and welfare benefit enrollment and billing system teach the “generating” feature of claims 50-52.

Appellant respectfully submits that Warady merely discloses modifying the health and welfare benefit data stored in the system and extracting the modified data. As such, Warady’s extracted data is the same as its stored data. As discussed above regarding Lockwood, simply extracting the modified benefit plan in the system does not teach or suggest the claimed feature of, “generating a customized proposal in the computer system that is different from the stored insurance products by the comparing the customer data.”

In other words, Warady is merely a typical Human Resources type of system that allows the user to expressly modify personal data already resident in the system in order to update that system. In contrast, the claimed invention provides a potential customer with a variety of customizable variables applicable to a variety of products so that the customer can create a customized solution.

Therefore, Appellant respectfully submits that claims 50-52 are patentable over the cited art.

D. Dependent claims 2-6, 8-29, 30-39, 41-49, 53, and 54

Dependent claims 2-6, 8-29, 30-39, 41-49, 53, and 54 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits.

Specifically, claims 2-6, 8-29, 30-39, 41-49, 53, and 54 recite features which are not disclosed by the cited art.

Thus, Appellant respectfully submits that dependent claims 2-6, 8-29, 30-39, 41-49, 53, and 54 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits. Specifically, the dependent claims of course include all of the limitations of the independent claims and further modify the independent claims. The prior art relied upon by the Examiner does not show various limitations of the independent claims and the Examiner has not demonstrated that these novel and unobvious features as they exist in the independent claims and as further limited by the dependent claim limitations are rendered unpatentable over the relied upon prior art.

#### E. Conclusion

Appellant respectfully requests that the Examiner reconsider and withdraw the rejection of all of the pending claims. In the event that the Examiner maintains the rejection, appellant respectfully requests that the Board reverse the Examiner's rejection and that the Board remand this application to the Examiner for issuance of a Notice of Allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this Appeal Brief, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim

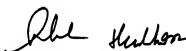


prior to its amendment.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,

Jerome D. JOHNSON et al.

Handwritten signature of Abraham HersHKovitz in cursive script.

---

Abraham HersHKovitz  
Reg. No. 45,294

Eugene Rzucidlo  
Reg. No. 31,900

Ed Garcia-Otero  
Reg. No. 56,609

Date: August 19, 2010

HERSHKOVITZ & ASSOCIATES, LLC  
2845 DUKE STREET  
ALEXANDRIA, VA 22314  
(703) 370-4800  
(703) 370-4809 (FAX)  
patent@hershkovitz.net

AH/GR/EG

**(viii) Claims Appendix**

*A list of the pending claims is presented below.*

1. A method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:  
storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data;  
determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system;  
presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and  
generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan, at least a portion of the customer data, and estimated costs for the preferred insurance plan,  
wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.
2. The method of claim 1 further comprising printing the customized proposal.

3. The method of claim 1 wherein the generating comprises providing insurance company data as part of the customized proposal.
4. The method of claim 1 further comprising providing the customized proposal in electronic form to the customer.
5. The method of claim 1 wherein the generating comprises deriving the estimated costs from information stored in the database.
6. The method of claim 1 further comprising obtaining the user selected plan options from the input device of the computer system.
7. (Canceled)
8. The method of claim 1 wherein the presenting comprises:  
selecting, with the input device, one or more sets of possible insurance plans from the insurance plan options presented to the customer on the display device;  
determining an estimated cost for each of the selected sets of insurance plans; and  
generating a customized comparison for the possible set of insurance plans in the sales computer system that includes the customer data, the description of the selected insurance plans, and the estimated costs for the selected set of insurance plans.
9. The method of claim 1 wherein the available insurance plan options comprise a plurality of health insurance plans.
10. The method of claim 1 further comprising transmitting the customer data and user selected plan options from the computer system to a remote server system for processing of a request for insurance.

11. A computer program product readable by a computer system having computer-executable instructions that when executed cause a processor of the computer system to perform a method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:
- storing customer data within a database in the computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data;
  - determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system;
  - presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and
  - generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan,
- wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.

Claims 12-19. (Canceled)

20. The method of claim 1 wherein the generating comprises providing an insurance plan as part of the customized proposal.
21. The method of claim 1 wherein the generating comprises providing insurance application forms as part of the customized proposal.
22. The method of claim 1 wherein the generating comprises providing benefit charts data as part of the customized proposal.
23. The method of claim 1 wherein the generating comprises providing provider information data as part of the customized proposal.
24. The method of claim 1 wherein the available insurance plan options comprise a plurality of dental insurance plans.
25. The method of claim 1 wherein the available insurance plan options comprise a plurality of life insurance plans.
26. The method of claim 1 wherein the available insurance plan options comprise a plurality of disability insurance plans.
27. The method of claim 1 wherein the insurance plan comprises a set of insurance plans.
28. The method of claim 1 wherein the storing comprises storing the customer data and insurance plan products in a relational database that is hosted in a networked environment with portions stored in a remote memory storage device.
29. The method of claim 1 wherein the storing comprises storing the customer data and insurance plan products in a relational database comprising a plurality of modules.

30. A computer system for generating a customized proposal in the development of insurance plans for a customer, the system comprising:
- an input device configured to prompt a user of the computer system to input customer data by using one or more modules;
  - a system memory having stored within a database input customer data and insurance plan products information including plan requirements data and plan options;
  - a display device; and
  - a processor unit, operatively coupled to the input device, system memory, and display device, that is configured to: (i) determine if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from the input device, (ii) present a description of insurance plan options, the options comprising an option currently available to the customer on the display device based upon the customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan, and (iii) generate a customized proposal based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan,
- wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.
31. The computer system of claim 30 further comprising a printer, operatively coupled to the processor unit, configured to print the customized proposal.

32. The computer system of claim 30 wherein the processor unit is configured to provide insurance company data as part of the customized proposal.
33. The computer system of claim 30 wherein the processor unit is configured to provide an insurance plan as part of the customized proposal.
34. The computer system of claim 30 wherein the processor unit is configured to provide insurance application forms as part of the customized proposal.
35. The computer system of claim 30 wherein the processor unit is configured to provide benefit charts data as part of the customized proposal.
36. The computer system of claim 30 wherein the processor unit is configured to provide provider information data as part of the customized proposal.
37. The computer system of claim 30 wherein the processor unit is configured to provide the customized proposal in electronic form to the customer.
38. The computer system of claim 30 wherein the processor unit is configured to derive the estimated costs from information stored in the database.
39. The computer system of claim 30 wherein the input device is configured to prompt the user to input selected plan options.
40. (Canceled)
41. The computer system of claim 30 wherein the processor unit is configured to: (i) select, based on user input from the input device, one or more sets of possible insurance plans

from the insurance plan options presented to the customer on the display device, (ii) determine an estimated cost for each of the selected sets of insurance plans, and (iii) generate a customized comparison for the possible set of insurance plans in the sales computer system that includes the customer data, the description of the selected insurance plans, and the estimated costs for the selected set of insurance plans.

42. The computer system of claim 30 wherein the available insurance plan options comprise a plurality of health insurance plans.
43. The computer system of claim 30 wherein the available insurance plan options comprise a plurality of dental insurance plans.
44. The computer system of claim 30 wherein the available insurance plan options comprise a plurality of life insurance plans.
45. The computer system of claim 30 wherein the available insurance plan options comprise a plurality of disability insurance plans.
46. The computer system of claim 30 further comprising a logical connection to a remote computer operatively coupled to the processor unit, the processor unit being configured to transmit the customer data and user selected plan options from the computer system to the remote computer for processing of a request for insurance.
47. The computer system of claim 30 wherein the insurance plan comprises a set of insurance plans.
48. The computer system of claim 30 wherein the database comprises a relational database that is hosted in a networked environment with portions stored in a remote memory storage device.



49. The computer system of claim 30 wherein the database comprises a relational database comprising a plurality of modules.
50. A method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:
- storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data;
  - comparing in the computer system the customer data with the plan requirements data from the stored insurance plan products by using the one or more modules;
  - determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system;
  - presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and
  - generating a customized proposal in the computer system that is different from the stored insurance products by the comparing the customer data and the determining of the particular insurance plan, based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan,

- wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.
51. A computer program product readable by a computer system having computer-executable instructions that when executed cause a processor of the computer system to generate a customized proposal in the development of insurance plans for a customer by:
- storing customer data within a database in the computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data;
  - comparing the customer data with the plan requirements data from the stored insurance plan products by using the one or more modules;
  - determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system;
  - presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and
  - generating a customized proposal in the computer system that is different from the stored insurance products by comparing customer data and the determining of the particular insurance plan, based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a

description of a preferred insurance plan by using the one or more modules, at least a portion of the customer data, and estimated costs for the preferred insurance plan, wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.

52. A computer system for generating a customized proposal in the development of insurance plans for a customer, the system comprising:
- an input device configured to prompt a user of the computer system to input customer data by using one or more modules;
  - a system memory having stored within a database input customer data and insurance plan products information including plan requirements data and plan options;
  - a display device; and
  - a processor unit, operatively coupled to the input device, system memory, and display device, that is configured to: (i) compare the customer data with the plan requirements data from the stored insurance plan products by using the one or more module by using the one or more modules, (ii) determine if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from the input device, (iii) present a description of insurance plan options, the options comprising an option currently available to the customer on the display device based upon the customer data and the user selected plan options by using the one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan, and (iv) generate a customized proposal that is different from the stored insurance products by the comparing customer data and the determining of the particular insurance plan by using the one or more modules, based upon a

selection made from the presented insurance plan options, the proposal including a description of an insurance plan, at least a portion of the customer data, and estimated costs for the insurance plan,  
wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal.

53. The method of claim 1, further comprising:  
tracking the status of proposals;  
storing and printing sales collateral material and forms; and  
providing a product discovery consultation function.
54. The method of claim 1, wherein the computer system that is used in the storing of the customer data, is a component based, object-oriented design that is distributed across a multi-tier architecture, the multi-tier architecture comprising an application layer, a presentation layer, a session layer and a data layer.
55. A method for generating a customized proposal in the development of insurance plans for a customer, the method comprising:  
storing customer data within a database in a computer system by using one or more modules, the database having stored therein insurance plan products with plan requirements data;  
determining if a particular insurance plan may be proposed but is not currently configured for the customer based upon the stored plan requirements data and either the stored customer data or user selected plan options by using the one or more modules, the user selected plan options being obtained from an input device of the computer system;  
presenting a description of insurance plan options, the options comprising an option currently available to the customer on a display device of the computer system based upon the stored customer data and the user selected plan options by using the

one or more modules, the description of insurance plan options including an indication that the particular insurance plan being proposed is not currently configured for the customer, and an indication of what conditions are not met for the customer to qualify for the proposed but currently not configured insurance plan; and

generating a customized proposal in the computer system based upon a selection made from the presented insurance plan options by using the one or more modules, the proposal including a description of a preferred insurance plan, at least a portion of the customer data, and estimated costs for the preferred insurance plan,

wherein the customized proposal resulted from a preliminary proposal module taking a plan produced by a plan configuration engine module along with cost data to produce a formal proposal, and

wherein the insurance plans comprise at least one of health insurance plans, life insurance plans, disability insurance plans, auto insurance plans, or employee insurance benefit plans.

**(ix) Evidence Appendix**

There is no evidence provided with this Appeal.

**(xi) Related Proceedings Appendix**

There are no proceedings related to this appeal.